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Shipping Association Hails Ninth Circuit Decision

Judges Uphold District Court Ruling: Federal Clean Air Act Preempts Local Attempts to Enforce Patchwork Rules

Statement by John McLaurin, President, Pacific Merchant Shipping Association (PMSA):

“We are pleased with today’s ruling and the maritime industry will continue its numerous voluntary and collaborative efforts to reduce emissions from vessels up and down the Pacific Coast consistent with federal and international law.

“PMSA continues to endorse international standards for ship emissions, which will ensure consistent application of air quality rules and meaningful emission reductions throughout the world. These goals cannot be accomplished through a patchwork of local or state regulations.

“PMSA members have already taken numerous steps to improve air quality beyond existing requirements. The many emissions reduction programs that PMSA members are already involved in include the use of low sulfur fuels, slide valve technology, voluntary speed reduction, cold ironing and alternative shoreside emission reduction strategies. All of these efforts have been accomplished, and will continue to be accomplished, without the need for state or local governments to pursue discordant regulatory mandates.”

Key Facts Regarding the Auxiliary Engine Emissions Standards Litigation:

- The maritime industry accepts its responsibility to reduce air emissions and is working in earnest to reduce environmental impacts at the earliest possible date. However, this is a global issue that requires global solutions. Instead of promoting regional and local fixes, the state can show leadership by supporting more comprehensive and broader internationally-recognized solutions to our air quality challenges. As such, this lawsuit was not about whether emissions from vessels should be reduced but about who should have the jurisdiction to impose and enforce requirements on international trade.
- This ruling affirms the fundamental need to address emissions from ships at the federal and international levels. Setting requirements through federal and international efforts including

ratification of MARPOL Annex VI and the development of a North American Sulfur Emission Control Area are important steps toward achieving these goals.

- The CARB regulations attempted to expand the State's authority over oceangoing vessels and invited a patchwork of unique and conflicting regulations and requirements throughout the state and the country. Only through consistent and harmonized federal and international standards can we obtain meaningful and sustainable emission reductions from ships engaged in international trade.

The Auxiliary Engine Emissions Standards Litigation Decision:

[Pacific Merchant Shipping Association v. Goldstene](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/5B4B6E612240C77B882573FB0083CD50/$file/0716695.pdf?openelement)

([http://www.ca9.uscourts.gov/ca9/newopinions.nsf/5B4B6E612240C77B882573FB0083CD50/\\$file/0716695.pdf?openelement](http://www.ca9.uscourts.gov/ca9/newopinions.nsf/5B4B6E612240C77B882573FB0083CD50/$file/0716695.pdf?openelement))

Pacific Merchant Shipping Association

PMSA is an independent trade association representing more than 60 operators of marine cargo terminals and owners/operators of U.S. and foreign-flagged cargo and passenger vessels. Its members are primarily engaged in trade between U.S. West Coast ports and ports in Alaska, Asia, Europe, Hawaii, and South America. The association has offices in Long Beach, San Francisco and Seattle.

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